

1 AN ACT relating to library district boards.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 173.480 is amended to read as follows:

4 **(1)** Upon the creation of a district, the fiscal court of each county in the district shall at
5 once notify the Department for Libraries and Archives of the establishment of the
6 district and shall forward to the department a copy of the petition required pursuant
7 to KRS 173.470. The Department for Libraries and Archives shall then recommend
8 to the county judge/executive of each county in the district the names of suitable
9 persons from among the signers of the petition to be appointed to the board. The
10 Department for Libraries and Archives in recommending persons to the county
11 judge/executive for appointment to the board shall recommend twice as many
12 persons for each county as the county is entitled to have members appointed, and
13 the county judge/executive shall immediately, with the approval of the fiscal court,
14 make the selection from those recommended **unless the fiscal court has adopted an**
15 **alternative appointment process through the passage of a resolution. For fiscal**
16 **courts that adopt an alternative appointment process, the county judge/executive**
17 **shall either:**

18 **(a) Immediately, with the approval of the fiscal court, make the selection from**
19 **those recommended by the Department for Libraries and Archives; or**

20 **(b) Appoint, with the approval of the fiscal court, individuals of his or her**
21 **choosing, whether or not the individuals signed the petition, no later than**
22 **thirty (30) days after the day the county judge/executive received the**
23 **recommendations. The county judge/executive shall notify the Department**
24 **for Libraries and Archives of the name of any individual appointed in the**
25 **manner set out in this paragraph.**

26 **(2)** Where the district consists of one (1) county, the county judge/executive shall
27 appoint five (5) persons from that county as members.

1 (3) Where the district consists of more than one (1) county, the Department for
2 Libraries and Archives shall prescribe by regulation the number of board members~~[-]~~
3 ~~when the district consists of more than one (1) county]~~, provided that the board
4 shall consist of:

5 (a) Not less than one (1) nor more than four (4) members from each county, each
6 county having such number of members as the proportion of its population
7 bears to the total population in the district; ~~[-]~~ and

8 (b) ~~[that the total membership of the board consists of -]~~Not less than five (5)
9 members.

10 (4) Where a county joins an already established district:

11 (a) ~~[-]~~The Department for Libraries and Archives shall, from among the signers
12 of the petition, recommend to the county judge/executive of each county
13 included in the new district for the first time twice as many persons for
14 appointment to the board as the county is entitled to have appointed, and the
15 county judge/executive shall select the members for the county from this list
16 unless the fiscal court has adopted an alternative appointment process
17 through the passage of a resolution. For fiscal courts that adopt an
18 alternative appointment process, the county judge/executive shall either:

- 19 1. Select the members for the county from those recommended by the
20 Department for Libraries and Archives; or
21 2. Appoint, with the approval of the fiscal court, individuals of his or her
22 choosing, whether or not the individuals signed the petition, no later
23 than thirty (30) days after the day the county judge/executive received
24 the recommendations. The county judge/executive shall notify the
25 Department for Libraries and Archives of the name of any individual
26 appointed in the manner set out in this subparagraph; and ~~[-]~~

27 (b) The terms of the members of the counties composing the previously existing

1 district shall expire immediately upon the organization of the new board and
2 such vacancies shall be filled as provided in KRS 173.490.

3 ➔Section 2. KRS 173.490 is amended to read as follows:

4 (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a
5 term of two (2) years, one-third (1/3) for a term of three (3) years and one-
6 third (1/3) for a term of four (4) years. Where the board consists of a number
7 of members not divisible by three (3), one-third (1/3) of the next higher
8 number divisible by three (3), shall serve for a term of two (2) years, one-third
9 (1/3) for a term of three (3) years and the remaining number shall serve for a
10 term of four (4) years. Thereafter, as their terms expire, the board shall make
11 recommendations on their successors, who shall be appointed as set out in
12 paragraph (b) of this subsection~~[recommended by the board]~~.

13 (b) The board shall recommend two (2) persons committed to the provision of
14 library services to the Department for Libraries and Archives, for each
15 vacancy. The names shall be forwarded to the Department for Libraries and
16 Archives and the state librarian and commissioner shall recommend those
17 names to the county judge/executive. The county judge/executive shall
18 immediately, with the approval of the fiscal court, make the~~his~~ selection
19 from those recommended unless the fiscal court has adopted an alternative
20 appointment process through the passage of a resolution. For fiscal courts
21 that adopt an alternative appointment process, the county judge/executive
22 shall either:

23 1. Immediately, with the approval of the fiscal court, make the selection
24 from those recommended by the state librarian and commissioner; or
25 2. Appoint, with the approval of the fiscal court, individuals of his or her
26 choosing, no later than thirty (30) days after the day the county
27 judge/executive received the recommendations. The county

1 *judge/executive shall notify the Department for Libraries and Archives*
2 *of the name of any individual appointed in the manner set out in this*
3 *subparagraph.*

4 (c) Board members thus appointed shall serve a term of four (4) years each.
5 Trustees may serve for two (2) consecutive terms after which they shall not
6 succeed themselves. They may be reappointed no earlier than twelve (12)
7 months following the end of their last service. The members shall hold office
8 until their respective successors are appointed and qualified. After absence of
9 a trustee from four (4) regular monthly meetings of the board during any one
10 (1) year of the trustee's term, the trustee shall be considered to have
11 automatically resigned from the board. An advisory board may be appointed
12 and serve as specified in the bylaws of the board of trustees.

13 (2) Any vacancy occurring in the terms of office of members shall be filled for the
14 unexpired term by the county judge/executive, with the approval of the fiscal court,
15 by appointment on recommendation of the state librarian and commissioner of two
16 (2) names of persons committed to the provision of library services and living in the
17 county in which the vacancy occurred *unless the fiscal court has adopted an*
18 *alternative appointment process through the passage of a resolution. For fiscal*
19 *courts that adopt an alternative appointment process, the county judge/executive*
20 *shall immediately, with the approval of the fiscal court, make the appointment*
21 *either:*

22 (a) *On recommendation of the state librarian and commissioner of two (2)*
23 *names of persons committed to the provision of library services and living in*
24 *the county in which the vacancy occurred; or*

25 (b) *At the discretion of the county judge/executive of a person not named by the*
26 *state librarian and commissioner. Any person appointed in accordance with*
27 *this paragraph shall be committed to the provision of library services and*

1 living in the county in which the vacancy occurred. The county
2 judge/executive shall notify the Department for Libraries and Archives of
3 the name of any individual appointed in the manner set out in this
4 paragraph.

5 (3) A member of the board may be removed from office as provided by KRS 65.007.

6 ➔Section 3. KRS 173.520 is amended to read as follows:

7 (1) The board shall establish, equip and maintain libraries or contract with existing
8 libraries for the furnishing of library service for the district and do all things
9 necessary to provide efficient library service. The board may also enter an
10 agreement pursuant to KRS 65.210 to 65.300 for the provision of additional library
11 service. No district shall establish a library unless the plans for the establishment,
12 equipment, and maintenance have been approved by the Department for Libraries
13 and Archives. No contract shall be made unless the libraries contracting to furnish
14 service are libraries approved by the Department for Libraries and Archives for this
15 purpose.

16 (2) The district, as a body corporate, by and through the board may:

17 (a) Sue and be sued, complain and defend, purchase, or lease grounds, purchase,
18 lease, occupy or erect appropriate buildings for the use of the district libraries
19 and their branches, lease or build to lease appropriate buildings for use by
20 educational institutions, sell and convey real and personal property for and on
21 behalf of the district, receive gifts of real and personal property for the use and
22 benefit of the district, the same when accepted to be held and controlled by the
23 board according to the terms of the deed, gift, devise or bequest of such
24 property;

25 (b) Borrow money on the credit of the board in anticipation of the revenue to be
26 derived from taxes levied by the district for the fiscal year in which the money
27 is borrowed, and to pledge the taxes levied for the district for the payment of

1 the principal and interest of the loan. The principal shall not exceed fifty
2 percent (50%) of the anticipated revenue for the fiscal year in which the
3 money is borrowed;

4 (c) Establish bylaws it deems necessary and expedient to define the duties of
5 officers or employees and make all necessary policies governing libraries,
6 library service and personnel within the district.

7 (3) (a) The following requires the majority vote of the board members and
8 approval of the fiscal court:

9 1. Leasing appropriate buildings for use by educational institutions;

10 2. Constructing appropriate buildings for use by educational institutions;

11 and

12 3. The approval of expenditures for capital projects with a total cost that
13 is equal to or greater than one million dollars (\$1,000,000).

14 (b) Buildings for use by educational institutions shall be deemed appropriate
15 buildings for purposes of this subsection and subsection (2) of this section
16 when the building meets the school building requirements established by
17 the Kentucky Board of Education.

18 (4) The board in exercise of its powers shall be guided by the regulations and
19 requirements of the Department for Libraries and Archives.

20 (5)~~[(4)]~~ The powers set forth in this section shall not be construed to limit, restrict or
21 modify any powers or authority granted by any other part of KRS 173.450 to
22 173.650 or any other law not in conflict with the provisions of this section.

23 ➔Section 4. KRS 173.725 is amended to read as follows:

24 (1) Upon the creation of a district, the fiscal court of each county in the district shall at
25 once notify the Department for Libraries and Archives of the establishment of the
26 district and shall forward to the department a copy of the petition required pursuant
27 to KRS 173.720. The Department for Libraries and Archives shall then recommend

1 to the county judge/executive of each county in the district the names of suitable
2 persons from among the signers of the petition to be appointed to the board. The
3 Department for Libraries and Archives in recommending persons to the county
4 judge/executive for appointment to the board shall recommend twice as many
5 persons for each county as the county is entitled to have members appointed, and
6 the county judge/executive shall, with the approval of the fiscal court, immediately
7 make the selection from those recommended unless the fiscal court has adopted an
8 alternative appointment process through the passage of a resolution. For fiscal
9 courts that adopt an alternative appointment process, the county judge/executive
10 shall either:

11 (a) Immediately, with the approval of the fiscal court, make the selection from
12 those recommended by the Department for Libraries and Archives; or
13 (b) Appoint, with the approval of the fiscal court, individuals of his or her
14 choosing, whether or not the individuals signed the petition, no later than
15 thirty (30) days after the day the county judge/executive received the
16 recommendations. The county judge/executive shall notify the Department
17 for Libraries and Archives of the name of any individual appointed in the
18 manner set out in this paragraph.

19 (2) Where the district consists of one (1) county, the county judge/executive shall
20 appoint five (5) persons from that county as members.

21 (3) Where the district consists of more than one (1) county, the Department for
22 Libraries and Archives shall prescribe by regulation the number of board members{
23 ~~when the district consists of more than one (1) county~~}, provided that the board
24 shall consist of:

25 (a) Not less than one (1) nor more than four (4) members from each county, each
26 county having such number of members as the proportion of its population
27 bears to the total population in the district;[,] and

1 **(b)** ~~{that the total membership of the board consists of }~~Not less than five (5)
2 members.

3 **(4)** Where a county joins an already established district:

4 **(a)** ~~{,}~~The Department for Libraries and Archives shall, from among the signers
5 of the petition, recommend to the county judge/executive of each county
6 included in the new district for the first time twice as many persons for
7 appointment to the board as the county is entitled to have appointed, and the
8 county judge/executive shall select the members for the county from this list
9 unless the fiscal court has adopted an alternative appointment process
10 through the passage of a resolution. For fiscal courts that adopt an
11 alternative appointment process, the county judge/executive shall either:
12 1. Select the members for the county from those recommended by the
13 Department for Libraries and Archives; or
14 2. Appoint, with the approval of the fiscal court, individuals of his or her
15 choosing, whether or not the individuals signed the petition, no later
16 than thirty (30) days after the day the county judge/executive received
17 the recommendations. The county judge/executive shall notify the
18 Department for Libraries and Archives of the name of any individual
19 appointed in the manner set out in this subparagraph; and{,}

20 **(b)** The terms of the members of the counties composing the previously existing
21 district shall expire immediately upon the organization of the new board and
22 such vacancies shall be filled as provided in KRS 173.730.

23 ~~{(2) In making recommendations and appointments under subsection (1) of this section~~
24 ~~and KRS 173.730, the Department for Libraries and Archives and the county~~
25 ~~judge/executive shall attempt to assure, to the extent permitted by the county's~~
26 ~~entitlement to board members, that the board includes members from different~~
27 ~~geographical areas, and from both cities and unincorporated areas, of the county.]~~

1 ➔ Section 5. KRS 173.730 is amended to read as follows:

2 (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a
3 term of two (2) years, one-third (1/3) for a term of three (3) years and one-
4 third (1/3) for a term of four (4) years. Where the board consists of a number
5 of members not divisible by three (3), one-third (1/3) of the next higher
6 number divisible by three (3), shall serve for a term of two (2) years, one-third
7 (1/3) for a term of three (3) years and the remaining number shall serve for a
8 term of four (4) years. Thereafter, as their terms expire, the board shall make
9 recommendations on their successors, who shall be appointed as set out in
10 paragraph (b) of this subsection~~[recommended by the board]~~.

11 (b) The board shall recommend two (2) persons committed to the provision of
12 library services to the Department for Libraries and Archives, for each
13 vacancy. The state librarian and commissioner shall recommend those names
14 to the county judge/executive. The county judge/executive shall immediately,
15 with the approval of the fiscal court, make the selection from those
16 recommended unless the fiscal court has adopted an alternative
17 appointment process through the passage of a resolution. For fiscal courts
18 that adopt an alternative appointment process, the county judge/executive
19 shall either:

20 1. Immediately, with the approval of the fiscal court, make the selection
21 from those recommended by the state librarian and commissioner; or
22 2. Appoint, with the approval of the fiscal court, individuals of his or her
23 choosing, no later than thirty (30) days after the day the county
24 judge/executive received the recommendations. The county
25 judge/executive shall notify the Department for Libraries and Archives
26 of the name of any individual appointed in the manner set out in this
27 subparagraph.

- 1 (c) Board members thus appointed shall serve a term of four (4) years each.
2 Trustees may serve for two (2) consecutive terms after which they shall not
3 succeed themselves. They may be reappointed no earlier than twelve (12)
4 months following the end of their last service. The members shall hold office
5 until their respective successors are appointed and qualified. After absence of
6 a trustee from four (4) regular monthly meetings of the board during any one
7 (1) year of the trustee's term, the trustee shall be considered to have
8 automatically resigned from the board. An advisory board may be appointed
9 and serve as specified in bylaws of the board of trustees.
- 10 (2) Any vacancy occurring in the terms of office of members shall be filled for the
11 unexpired term by the county judge/executive, with the approval of the fiscal court,
12 by appointment on recommendation of the state librarian and commissioner of two
13 (2) persons interested in the provision of library services and living in the county in
14 which the vacancy occurred unless the fiscal court has adopted an alternative
15 appointment process through the passage of a resolution. For fiscal courts that
16 adopt an alternative appointment process, the county judge/executive shall
17 immediately, with the approval of the fiscal court, make the appointment either:
18 (a) On recommendation of the state librarian and commissioner of two (2)
19 persons interested in the provision of library services and living in the
20 county in which the vacancy occurred; or
21 (b) At the discretion of the county judge/executive of a person not named by the
22 state librarian and commissioner. Any person appointed in accordance with
23 this paragraph shall be committed to the provision of library services and
24 living in the county in which the vacancy occurred. The county
25 judge/executive shall notify the Department for Libraries and Archives of
26 the name of any individual appointed in the manner set out in this
27 paragraph.

1 (3) A member of the board may be removed from office as provided by KRS 65.007.

2 ➔Section 6. KRS 173.745 is amended to read as follows:

3 (1) The board shall establish, equip and maintain libraries or contract with existing
4 libraries for the furnishing of library service for the district and do all things
5 necessary to provide efficient library service. The board may also enter an
6 agreement pursuant to KRS 65.210 to 65.300 for the provision of additional library
7 services. No district shall establish a library unless the plans for the establishment,
8 equipment and maintenance have been approved by the Department for Libraries
9 and Archives. No contract shall be made unless the libraries contracting to furnish
10 service are libraries approved by the Department for Libraries and Archives for this
11 purpose.

12 (2) The district, as a body corporate, by and through the board may:

13 (a) Sue and be sued, complain and defend, purchase, or lease grounds, purchase,
14 lease, occupy or erect appropriate buildings for the use of the district libraries
15 and their branches, *lease or build to lease appropriate buildings for use by*
16 *educational institutions*, sell and convey real and personal property for and on
17 behalf of the district, receive gifts of real and personal property for the use and
18 benefit of the district, the same when accepted to be held and controlled by the
19 board according to the terms of the deed, gift, devise or bequest of such
20 property;

21 (b) Borrow money on the credit of the board in anticipation of the revenue to be
22 derived from taxes levied by the district for the fiscal year in which the money
23 is borrowed, and to pledge the taxes levied for the district for the payment of
24 the principal and interest of the loan. The principal to be repaid annually shall
25 not exceed fifty percent (50%) of the anticipated revenue for the fiscal year in
26 which the money is borrowed.

27 (c) Establish bylaws it deems necessary and expedient to define the duties of

1 officers or employees and make all necessary policies governing libraries,
2 library service and personnel within the district.

3 (3) (a) The following requires the majority vote of the board members and
4 approval of the fiscal court:

5 1. Leasing appropriate buildings for use by educational institutions;

6 2. Constructing appropriate buildings for use by educational institutions;

7 and

8 3. The approval of expenditures for capital projects with a total cost that
9 is equal to or greater than one million dollars (\$1,000,000).

10 (b) Buildings for use by educational institutions shall be deemed appropriate
11 buildings for purposes of this subsection and subsection (2) of this section
12 when the building meets the school building requirements established by
13 the Kentucky Board of Education.

14 (4) The board in exercise of its powers shall be guided by the regulations and
15 requirements of the Department for Libraries and Archives.

16 (5)~~[(4)]~~ The powers set forth in this section shall not be construed to limit, restrict or
17 modify any powers or authority granted by KRS 173.710 to 173.800 or any other
18 law not in conflict with the provisions of this section.

19 ➔Section 7. This Act takes effect on January 1, 2023.